

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 21664 PERMIT 14735 LICENSE 10181

ORDER CORRECTING DESCRIPTION
FOR POINT OF DIVERSION,
PLACE OF USE, AND
AMENDING LICENSE

WHEREAS:

1. License 10181 was issued to Lester Lancaster et al and recorded with the County Recorder of Modoc County on Book/Volume 224, Page 941 on September 4, 1973.
2. License 10181 was subsequently assigned to Mary Vasso et al.
3. A request to correct the description of the point of diversion (POD) and place of use (POU) under said license has been filed with the State Water Resources Control Board (State Water Board).
4. A survey was made by the Federal Government in 1985 which determined the description of the POD and POU should be corrected. These corrections are needed to locate the POD and POU within projected Sections 5 and 8, T39N, R14E, MDB&M.
5. The USGS 7.5' Quadrangle map-Tule Mountain was photorevised in 1982 and shows the POD and a portion of the POU being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 5, T39N, R14E, MDB&M. The remaining portion of the POU is within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 8, T39N, R14E, MDB&M. License 10181 describes the same POD as being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, T39N, R14E, MDB&M. A correction in the description of the POD and POU under said license are needed to conform the descriptions with the locations on the photorevised quadrangle map.
6. The State Water Board has determined that said correction in the description of the POD and POU will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.
7. The license condition pertaining to the continuing authority of the State Water Board should be updated to conform to the current common law public trust doctrine as contained in Title 23, CCR, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion be corrected to read as follows:

North 30 feet and East 764 feet from SW corner of projected Section 5, T39N, R14E, MDB&M, being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 5, also described by the California Coordinate System in Zone 1, N 698,030 and E 2,441,650.

(0000002)

2. The place of use be corrected to read as follows:

Within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 5, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 8, T39N, R14E, MDB&M.

(0000004)

3. The condition pertaining to the continuing authority of the State Water Board is amended to read as follows:


Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated:

 MAY 04 1992


Edward C. Anton, Chief
Division of Water Rights

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

Notice of Change of Name

APPLICATION 21664

PERMIT 14735

LICENSE 10181

THIS IS TO CERTIFY, That

LESTER LANCASTER ET AL (SEE REVERSE SIDE FOR COMPLETE OWNERSHIP)

C/O LESTER LANCASTER,
BOX 85, LIKELY, CALIFORNIA 96116

HAVE made proof as of MAY 16, 1972 (the date of inspection)

to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SPRING IN MODOC COUNTY

tributary to AN UNNAMED STREAM THENCE SOUTH FORK PIT RIVER THENCE PIT RIVER

for the purpose of DOMESTIC AND FIRE PROTECTION USES

under Permit 14735 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from MARCH 2, 1964 and that the amount of water to which

this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWO THOUSAND FIVE HUNDRED (2,500) GALLONS PER DAY, TO BE

DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED
UNDER THIS LICENSE SHALL NOT EXCEED 2.8 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 21 FEET AND EAST 75 FEET FROM NW CORNER OF SECTION 8, T39N, R14E,
MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 8.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN NE1/4 OF NE1/4 OF SECTION 7, T39N, R14E, MDB&M.

RIGHTS UNDER THIS LICENSE ARE AND SHALL BE SUBJECT TO EXISTING RIGHTS
DETERMINED BY SOUTH FORK PIT RIVER DECREE, COURT CASE NUMBER 3273, SUPERIOR
COURT, MODOC COUNTY, AND SUCH OTHER RIGHTS AS MAY PRESENTLY EXIST ON THE STREAM
INSOFAR AS SAID EXISTING AND ADJUDICATED RIGHTS ARE MAINTAINED.

ESTATES OF EUGENE M. BOWMAN AND CHRISTINE M. BOWMAN, ELAINE DENIS, MACK LANCASTER, MAXINE LANCASTER, CLAUDE J. CHRISTOPHER, HELEN N. CHRISTOPHER, KEMBEL NEAL, JOY NEAL, BRUCE A. TRIPP, MABLE TRIPP, PAUL H. MCBRIDE, ELIZABETH MCBRIDE, ARCHIE F. THORNE, ALICE I. THORNE, PERCY A. HAGGARD, AUDREY A. HAGGARD, FRANCIS G. JONES, SHERRY JONES, LESLIE O. FONTAINE, ALICE M. FONTAINE, DAVID E. BRINK, GENEVA M. BRINK, JOHN M. BRINK, MARY M. BRINK, L. C. LANCASTER, BERNELINE LANCASTER, LARRY LANCASTER, SHARLENE LANCASTER AND LONNIE LANCASTER.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Licensee shall maintain the project works in good repair and shall be responsible for the cost of such repairs. Licensee shall also be responsible for the cost of any additional project works which may be required by the Board to maintain the project works in good repair. Licensee shall also be responsible for the cost of any additional project works which may be required by the Board to maintain the project works in good repair. Licensee shall also be responsible for the cost of any additional project works which may be required by the Board to maintain the project works in good repair.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUG 30 1973

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

L10181

- 1-5-79 Int of Lonnie Lancaster + Bruce A. + Mable Tripp
asgd to Kimble + Jay Neal. Int of Frances G. + Sherry
Jones asgd to Aron G. + Hazel G. Larr
3-15-85 Name of Rod Tweed added
4-27-00 asgd to Juniper Acres Water Association